

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

V.

DAVID JAMES JACOBY

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DOCKET NO. A-12-CR-137 (01) SS

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June 11, 2012

Attn: The Honorable Sam Sparks, US District Judge for The Western District of Texas

Ref. Doctor David Jacoby

The purpose of this correspondence is to provide a character reference for David Jacoby. I have known David since 1966 when we entered Texas A&M as freshmen in the Corps of Cadets. For the past 46 years, I have interacted with David on a personal level and have witnessed his struggles in dealing with the stress of practicing trauma medicine, birth of a child with diminished mental capacity, divorce, death of a child and now potentially facing jail time.

The single most quality I respected David for was the manner in which he dealt with his task as a single parent for the past twenty years. David raised two children on his own while holding down a full time job as emergency room physician. He chose to work the night shift so he could be home during the day to spend quality time with his children. I know the strain on his health and mental condition as he worked and singularly took care of his children was great. I'm sure this stain ultimately lead to some poor decisions on his part as to how to deal with that burden.

To his credit, David always put his children first. I recall many activities where we attended sporting events, fishing trips, backyard barbeques and similar family activities and David always included his children. He never left them with a sitter and never abandoned them for a date or chose an individual activity. You could tell by his interaction with them that he cared deeply for them. He is a loving and caring father and I always marveled at how he was able to work a full time job at night filled with such stress and still care for his children during the day. He carried a burden many of us would have had trouble carrying. David had no one to share these burdens with and I'm sure this also contributed to some poor decision making on his part.

Please consider these fatherly attributes when you ponder his sentencing. His daughter is mentally impaired and will be lost without him. I'm sure her development and quality of life will suffer if David is not able to take care of her. She needs the daily care and nurturing David has always provided and only David can continue to provide.

Please also consider that David entered rehab for his drug abuse approx. one year ago and is continually dealing with that problem in a positive manner. He has many friends that love him and will continue to assist him as he deals with his life problems. Please be as lenient as the law allows when you sentence him.

Respectfully submitted,

Jimmy D. Dunham, LTC US Army (retired)

Richard J. Reese
Attorney at Law

[REDACTED]
Houston, Texas [REDACTED]

June 12, 2012

713-739-6504
713-524-3586 (fax)
rjreese@wsllc.net

The Honorable Sam Sparks
United States District Judge
for the Western District of Texas

Re: David J. Jacoby

Judge Sparks,

This is a very difficult letter to write as were I required to impose a sentence on Mr. Jacoby, I would be very conflicted. I have known David since 1966 and have a high regard for his dedication to both his profession and to his children. Unfortunately, circumstances in his life clouded his judgment and led to uncharacteristic actions by him.

As you are aware, both of David's children suffered from developmental disabilities which led them to be unable to fully care for themselves. After his divorce, I witnessed for over 20 years an unselfish and unyielding attention by David on the welfare of those children to the exclusion of his personal life. He declined on uncountable occasions the opportunity to enjoy life with longtime friends in order to be available for his children. I have personally known no one else in my life who has sacrificed more for his children than David Jacoby.

I sincerely believe that the stress and anxiety associated with having to manage a demanding professional career and the tremendous burden of being a single parent having complete responsibility for the upbringing and welfare of two children with developmental disabilities for over 20 years simply overwhelmed him. He truly has carried the weight of the world on his shoulders. I am quite confident that I could not have borne those responsibilities as long as David has.

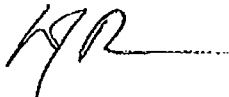
My conflict lies in acknowledging the profoundly devastating lack of judgment he exercised with regard to the events which have resulted in his being brought before you. The painful part is that there is no question that his actions cannot be condoned or excused regardless as to how well meaning and misguided they may have been. I therefore cannot in good conscience merely ask for leniency. I can, however, request that you take into consideration the many factors that affected his judgment during this difficult period of his life.

I would also express my belief that David is not a threat to society, has otherwise made significant contributions to the community by virtue of his many years of emergency room service and, most importantly, he has already suffered more than a lifetime of incarceration could possibly inflict. From what I understand of the charges against him, none of them include any effort by him to personally

benefit from his actions. Consequently, I see very little to be accomplished by imposing a lengthy prison sentence on Mr. Jacoby. I believe that his self-induced punishment is far worse than anything the criminal justice system can impose. He has lost his son and his profession. He remains responsible for the care and welfare of his mentally and emotionally challenged daughter and will continue to do so for the rest of his life.

I would therefore suggest that a sentence be imposed taking into consideration the circumstances under which Mr. Jacoby acted, his previous service to the community and the absence of any personal benefit from his actions. His continuing responsibility for the welfare of his daughter should have a significant impact on your decision. Please accept the sincere belief by myself and numerous other individuals who have known and respected him for over 40 years that no significant benefit to society will result from incarcerating Mr. Jacoby for an inordinate period of time.

Best regards,

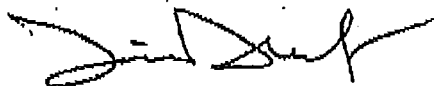
A handwritten signature in dark ink, appearing to be 'RJR' followed by a horizontal line.

Richard J. Reese

Texas Medical Board
333 Guadalupe Tower 3 Suite 610
Austin, TX 78701
To Whom It May Concern:

David James Jacoby, MD has lived in a Sober Living Community sober house at 8530 Hlawatha, Houston, TX 77036 since November 1st, 2011 to the present, where he has complied with all of my requests and recommendations, as well as tested negative on all urine drug screens that I have administered. He is engaged in his recovery program and has set a positive example for his fellows through his participation and sobriety. Please feel free to contact me with any questions or concerns.

Sincerely,



Jim Phelps
Executive Director
Sober Living Community
[REDACTED]
Houston, TX [REDACTED]
Ph 281-871-8396
Email jim@soberlivingcommunity.com

The Honorable Sam Sparks
United States District Judge for the Western District of Texas

I have known Dave Jacoby since 1966, when we began our college careers at Texas A&M and were assigned to the same company in the Corps of Cadets. All the incoming Freshmen (fish) depended on each other to make it through the fish year and became fast friends. After graduation, we all went our separate ways, but still remain in contact with each other. We now have an annual reunion in the Spring and another in the Fall for an A&M football game.

Dave has been an integral part of our group. Yet even as we met, he would often leave in the evening, since he was a single parent, to get back to take care of his kids, Brandon and Haley Rose. He was always committed to his children and his profession.

Months after Brandon's death, Dave told us about his addiction and that he was going into rehabilitation. In all the times I had seen Dave in our reunions and visits, I was unaware that Dave had this problem. It did not show outwardly. Dave freely let us know about his addiction and his plan to overcome it. Each of our group sent and received letters from Dave, giving him encouragement and our support.

I am glad to see that he is now committed to Christ to help him overcome his addiction. He has seen the effects of addiction on his life and is now trying to help others. This is a great ministry. Helping others and Haley Rose are now his primary concerns.

Dave admits that that he was an addict, and has paid a large price by giving up his medical practice. I know he is also deeply grieved by Brandon's death and the fact that he may lose his ability to help his severely challenged daughter. His fate is in your hands. I pray for leniency in your decision.

Yours truly,

C.E. (Buck) Waida

Grant McKey

From: cody land [codylnd@yahoo.com]
Sent: Sunday, June 10, 2012 9:56 PM
To: Louis Leichter
Cc: David Jacoby
Subject: Notes concerning sentencing of David Jacoby

To the office of The Honorable Sam Sparks
United States District Judge for the
Western District of Texas

Dear Sirs:

My name is Cody Land. I live in California now, but was a classmate of David Jacoby's at Texas A&M University the years 1966 - 1970. As we were in the Corps of Cadets together, that meant we lived together throughout those school years in the same dormitory. Through the rigors of corps life, one comes to learn much about oneself as well as the classmates close to you. In effect, as part of the Class of 1970, (as freshmen we numbered 70 men in 1966 - some 18 souls remained together by graduation) we all considered one another our closest friends throughout the entire four year ordeal. To the present day, those of us who didn't quit the Corps, leave the University, or both, muster together annually as lifelong friends still after all the intervening years.

So it is that it remained a ritual of mine to reconnect with David each year. He took up Medicine while I tried my hand at several vocations before finding my love, woodworking and art. Vastly different people brought together through a common experience is that which close societies are made. For me, these relationships suffice for the brothers I didn't have naturally. We share the good times and the bad patches in life as well. For one another, we are the support group that will endure.

My buddy, David, has come to the reckoning of a disastrous series of bad choices and truly unfortunate consequences. For someone who was so dedicated to his studies and proficient at his career, so committed to the success of his marriage, and willing to sacrifice so much to personally care for his special needs daughter, it is heartbreaking to find him in such jeopardy today. It's become all too common for drug addiction to claim another good man. To thwart his energy reserved for the healing of others and dump it into self destructive behavior, all the while fighting to suppress the shame, David has spread the effects of addiction beyond his personal suffering even on to those he loves. Such is the scourge of drug addiction. For the allure of some drug, prescription or otherwise, to change the course for the worse of such a dedicated doctor like David, the power of this hydrocodone must be monstrous, indeed.

I make no excuses for my dear friend. I know him well enough to be certain that he would be upset with me if I tried. Stacked against him, however, is what the court is most certainly aware of. Rates of illicit drug use are lower among physicians than the general public, but rates of prescription misuse are five times higher among physicians. My friend made poor choices, continued to make that poor choice, and did not take action at the time to help him change his ways. With his specialty in emergency medicine and the stress associated with it coupled with easy access to hydrocodone, he gave in to a powerful "occupational hazard" and eventually went right off the rails in supplying it to others to mask his own addiction. I can speak for all of our close friends I mentioned earlier when I say that none of us suspected his involvement in this drug mess. Never once did he confide in us, reach out to us for the help he needed. If he had, we may not be where we are today. I feel I failed him for not seeing the signs of his addiction at one point or another to initiate some intervention.

With the death of David's son, Brandon, came the beginning of the end, I would say. This loss to him was nearly more than he could take. Personally, I worried that the reason to live would take leave of him. It was little comfort when I realized that he simply must go on in order to care for his daughter, Haley Rose, for whom he had all but abandoned a personal life to care for her. I read his open letter to us describing his addiction asking for help and forgiveness. By then he had already entered into a drug treatment program. He poured his heart out to the friends who wouldn't lie to him, nor judge him as well. This was serious business, and we'd be there for him and see him through the best we could.

For the sake of his daughter, Haley Rose, he has remained strong. With the help of his friends, particularly his wonderful new girlfriend, Marilyn, I can say he's realized more positive reasons for being than self destructive excuses to hide his

shame and continue his isolation through addiction.

If the circumstances allowed, I would certainly be there for the hearing to come. My other brothers will fill my spot and stand behind our friend, Dave.

I offer these thoughts about my friend, David, to the court as one man's past experience with him as well as educated conviction of an honorable life yet to be. After this hell of his, David Jacoby has a positive message for this world and, I know, the will to share it.

Thank you for your consideration.
Cody R. Land

The Honorable Sam Sparks
United States District Judge for the
Western District of Texas

Your Honor

I am writing this letter to speak on behalf of my friend, Dr. David Jacoby. David and I have been friends since we graduated from Ozona High School together in 1966. David was popular, played sports, and was the valedictorian of our class. He went on to Medical School, became a doctor, married and had children, and has practiced as a doctor since then.

David is a man of strength and good character. He has always been there if I needed help in any way, and always had a good word to say. Since his divorce 20 years ago, he took it upon himself to raise his two children to adulthood, with no help from his ex wife. He still takes care of his daughter Haley, who is mentally challenged to some degree. He has never run from his responsibilities as a father or a Doctor.

Whatever bad judgment that David may have had in prescribing drugs to use himself, he is not like the drug dealing criminals who destroy our society. In fact, as an emergency room physician, he has dedicated his life to saving and restoring lives. There is a huge difference in how some may portray him and what he really is, a good and decent man who loves his kids, but who made a mistake.

I know David is a Christian, and that he has been totally rehabilitated. I ask you for mercy on him on behalf of his family, and for me as a friend.

Sincerely

David Lewis

[REDACTED]

Dallas, Tx. [REDACTED]

To whom it may concern:

My name is Terri Bucar and I am Brandon Jacoby's mother. On the night of Dec 19th I was awakened by my daughter about 3:30 am and told that Brandon had fainted. She led me to the kitchen where my son was crumpled in front of the refrigerator. I had not seen him previously at any time before that day or night as I was at work and upon returning from work I presumed he was in his bedroom because the door to his room was closed and I saw no lights on. I checked because I owed him money and placed it on his mat in front of his door. I immediately called 911 then preceeded to get him re positioned in order to perform CPR. I noticed his lips were blue and felt for a pulse. I could find no pulse or possible very weak pulse. I started chest compressions giving appoxamately 266 chest compressions. EMS arrived and took over. I noticed a glass of milk on the counter and presumed he was in the process of putting the gallon of milk back in the fridge. Prior to this incident my son had lost his anti seizure medication. I found that perscription in the food pantry and told David I had found it. I believe that Brandon started taking it again and possibly taking same dose as before without dosing back up as perscribed and suffered a seizure. The contexts of the refriderator were in complete disarray with shelves that had collapsed and fallen out. How does a person get up, get a glass of milk if he is overdosed on drugs?

Respectfully...Terri Bucar

Marilyn Chevallier

College Station, TX

June 6, 2012

The Honorable Sam Sparks
United States District Judge

Dear Judge Sparks:

This letter is being written on behalf of David James Jacoby.

I have known him since 1967 while in college. We dated briefly and lost contact over the years. After being reacquainted by a mutual friend in September, 2010, David professed that he wished to become a better man for me as well as for himself by ceasing smoking, by eating better, and by exercising. I learned much later that he tried to kick his drug addiction privately.

David travelled to South Texas to join my daughter and me at our annual family Christmas on December 18, 2010. It was early the next morning when he received that horrific phone call regarding his son's death in Austin, Texas. I chose to remain by his side as a friend and to comfort him knowing how desperately he needed someone to rely upon. Losing my spouse after 17 years of cancer in our home in 1999 was dreadful, but they say that losing a child is the worst!

David continued to work as an emergency room physician while trying to care for his mentally retarded daughter. Both required great mental and physical stamina, and I was amazed at how well he handled it all. When the news of his drug issues appeared in May, 2011, it was all very hard to comprehend and to accept. He checked into a treatment center in July, 2011 to help himself continue to become that better man and to rid himself of drug addiction.

As a teacher I have always tried to remain flexible in my thinking, but drug issues were something that I could not condone. It was not until I was educated at David's treatment center's family program that I learned that addiction is a disease that can be controlled. He worked hard to combat those addiction demons and made incredible strides. I accepted his proposal of marriage after seeing how strong he was to overcome so many obstacles, but also reminded him of zero tolerance.

David Jacoby is a good man still full of hope, promise, and talents. He made some bad decisions along life's path. Justice should be served, but I feel that it would be

a grave injustice to keep him from practicing medicine, which is his God-given gift. He can still make such a difference in lives with his recent experiences. He has much to share and to give from his many years in emergency medicine and with addiction. It would be a shame to lock that up for too long.

I pray that David be shown mercy and compassion. He has been greatly humbled, has gravely suffered the loss of a son, and has continued to make amends where and when able as the latter will be a lifelong process.

Yours sincerely,

A handwritten signature in cursive script that reads "Marilyn Chevalier". The signature is written in dark ink and is positioned above the printed name.

Marilyn Chevalier

June 13, 2012

Hon. Sam Sparks
United States District Judge for the Western District of Texas
Austin, Texas

Dear Judge Sparks

I am writing in support of my oldest and dearest friend, Dr. David Jacoby. I have known Dr. Jacoby since his family moved next door to my family in 1952 in Ozona, Texas, when we were both three years old. His dad was the County Agent and both of our mothers were school teachers. Dr. Jacoby and I went to the same Church, started kindergarten together and graduated high school together. Along the way, we shared every childhood experience, Little League, junior high and high school football and basketball, Sunday school, going to the picture show, learning to fish and hunt, learning to drive, learning to dance, and having the local girls break our hearts. We were as close as two boys could be and not be related. Dr. Jacoby was always the smartest person in our class but he really tried not to let his intelligence get in the way of being a regular guy.

Dr. Jacoby's family home is still in Ozona and his mother still lives here. We have kept in touch through the years. Two or three times each year, he came home to see his family. He and his daughter, Haley and his son Brandon would call or come by and we would have a nice visit.

I came to know his son Brandon and his sister Haley. My wife and I watched him grow into a nice young man. Around us he was always pretty quiet, but respectful. He had the same mischievous gleam in his eye that his father has. We knew that Dr. Jacoby had custody of his children from an early age, and that he struggled to balance the grueling time requirements of shift work at hospitals and being a single parent. But he was always a loving parent, especially with his special needs daughter. And his children's love for their dad was apparent.

I believe that Dr. Jacoby is a skilled physician. Many times through the years, I asked him why he didn't get out of the grind of being a trauma doctor and go into private practice. He always told me that he felt called to the work he was doing and that he was very good at it.

The day after Brandon Jacoby died; my wife and I went to their home to be with my old friend. We live in a small town and over the last thirty years we have shared the grief of the loss of

loved ones many times over with our friends and relatives. But when we witnessed the pain that Dr. Jacoby was experiencing, it was well beyond anything else in our experience. The worst fear any parent has is the loss of a child, but what we saw in this grieving father was not only the loss of his only son but the loss of his best friend.

Judge Sparks, this tragic accident has cost Dr. Jacoby his son and his livelihood. Has he not suffered enough?

Respectfully

John Stokes
Ozona, Texas



June 19, 2012

The Honorable Sam Sparks
United States District Judge
for the Western District of Texas

Your Honor:

My name is James Phelps and I am a Licensed Chemical Dependency Counselor Intern with the State of Texas. The purpose is to let you know of my relationship with Dr. David Jacoby, MD.

On October 31, 2011 Dr. Jacoby became a resident of SoberLiving Community located in Houston Texas where he resided until January 18, 2012. During his stay at SoberLiving Community Dr. Jacoby worked very hard to embellish the 12Step Recovery Program of Alcoholics Anonymous. He worked with his sponsor and completed all 12 Steps and was working to give back to others that were struggling with their addictions.

What I learned about Dr. Jacoby during his stay at SoberLiving Community was that he was a loving and caring father and a man that cared about his fellows. I can understand how he was such a great doctor because of his love for others. Dr. Jacoby constantly spoke of his daughters special needs and grieved the loss of his son.

I pray that you will take this information about the man, Dr. David Jacoby, that I have been blessed to help and to get to know and love in a favorable decision on your part during his sentencing period.

Best Regards,

James Phelps, LCDCI
Executive Director
SoberLiving Community

Michael H. Taylor
Major General, US Army (Retired)
[REDACTED] Lufkin, TX [REDACTED]
(936) 873-2832

June 17, 2012

Honorable Judge Sam Sparks
United States District Court
Western District of Texas
Austin Division
200 West 8th Street
Austin, Texas 78701

Your Honor:

I am writing this letter on behalf of long time personal friend, David J. Jacoby. We have a group of about a dozen college buddies who are very close; more like brothers than just friends.

Years ago, the brother of a friend of mine was involved in a non-violent criminal issue which resulted in his confinement in prison. My friend shared something with me I've never forgotten, "You know, when something like this happens you sure find out who your friends aren't." I suspect this letter is one of many from Dave's friends...he knows who his friends are.

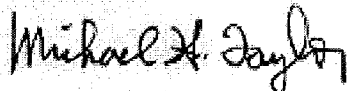
I am in no way attempting to diminish the gravity of Dave's actions. My reason for writing is concern for the care of his special needs daughter, Haley. I suspect Haley could become a ward of the state should Dave be sentenced to prison. I believe that Dave is the sole individual who can truly care for Haley, emotionally as well as financially. At age 64, Dave has but a short window of time within which he can earn assets to set aside for Haley's long term care.

None of us were aware of David's addiction before the tragic death of his son Brandon. We cannot fathom the pain Dave has already endured, and will continue to suffer, the rest of his life. That said, I believe Dave has dedicated himself to overcoming his addiction. He has been candid with us as this tragedy has unfolded.

I hope that if you believe Dave has any potential for beating his addiction and caring for his dear daughter you will give him that chance.

Thank you for your consideration.

Respectfully,



Michael H. Taylor
Major General (Retired)

00015



Baylor College of Medicine

SCOTT F. BASINGER, Ph.D.

Associate Dean for
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Biomedical Sciences

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June 20, 2012

The Honorable Judge Sam Sparks
United States District Court
Western District of Texas
Austin Division
200 West 8th Street
Austin, Texas 78701

RE: David Jacoby, MD

Your Honor,

First, let me introduce myself. I am a faculty member in Neuroscience at Baylor College of Medicine, and also Associate Dean. I am a trained interventionist and have provided aftercare management for professionals in the medical community for the past twenty years.

My relationship with Dr. Jacoby began when he was in treatment at The Arbor Treatment Center in Georgetown, Texas, where I am part of the Family Program lecture staff. After meeting David at The Arbor, I offered to work with him when he completed treatment and returned to Houston, and he contacted me immediately asking for help. Since that time, David has demonstrated an outstanding commitment to recovery. He is diligent in maintaining his aftercare program and commitments to meetings, sponsorship, steps, and spirituality. He is not only sober, he is in recovery.

I have spent a great deal of time discussing with David the situation surrounding the death of his son, and I can say he is truly remorseful about the loss, and the circumstances surrounding it. He is profoundly affected by the tragedy and is working hard to find forgiveness and reconciliation. Your Honor, I am not appealing for Dr. Jacoby to receive any special treatment as far as the legal system, but I am appealing on his behalf due to his deep regret, remorse and desire to help others through both his outstanding recovery program as well as his considerable medical skills. In my humble opinion, any significant length of incarceration will negatively affect Dr. Jacoby and adversely affect his ability to help others. He is a truly fine physician who wants to make amends for his past by helping others. I would hope his sentencing would reflect his deep remorse and desire to serve.

Sincerely,

A handwritten signature in black ink that reads "Scott F. Basinger". The signature is fluid and cursive, with a long horizontal line extending from the end.

Scott F. Basinger, PhD
Associate Dean

June 20, 2012

The Honorable Judge Sam Sparks,
United States District Court
Western District of Texas
Austin Division
200 West 8th Street
Austin, TX 78701

RE: David Jacoby, MD character reference

I have known Dave since Texas A&M college days beginning in 1967. After his graduation in 1970, I had minimal contact with him over the years. Beginning in 2000, I spent time with Dave in a buddies weekend environment approximately twice a year. With the event of Dave's son death in Dec 2010, I came into greater contact with him and his lady friend, Marilyn Chevalier. I saw that Marilyn was a very special person with strong character and sought to comfort Dave however I could in the loss of his son. Then in the May/June 2011 timeframe I became aware of Dave's issue with depression which also related to issues with the medical licensing board.

All of these things were "news" to me. It became obvious that Dave had issues and I sought to assist any way I could. As our Aggie buddies are relatively close, we come to each other's side when we learn of a problem. As a result, I and another buddy took on the responsibility of seeking to be the front line of assistance in providing financial aid and encouragement on behalf of the group.

Many of us wrote letters of encouragement during his time of rehab; he also wrote letters back to the group. It was at this time that we learned of the substantial extent of Dave's personal issues as he became transparent to us of most all the things he had struggled with in his life.

In November 2011 after Dave's time in rehab ended, I spent a substantial amount of time with Dave, getting to know him on a deeper level personally. I also undertook to verify his finances and manage the disbursement of funds to him which the Aggie buddies had contributed in order to help him during this time. I met and talked with his home advisor and learned about many of the activities he was required to undertake. I saw him face things head on, acknowledging the issues and working through the issues.

I know of his deep commitment to his daughter Haley and her ongoing welfare. He has always talked about her over the years and worked to help her as a responsible parent would.

I know Dave was a committed emergency room doc who worked terribly long hours, was close to his team and was dedicated to helping his patients. I personally called him one

night at 2am when I thought I was having a heart attack and he gave me sound advice to get through the situation.

I am aware of his desire to help others who have fallen into addiction like him, as well as speaking to those about the dangers of falling into addiction. While he has done much to hurt others, particularly younger people and their families, I know he has much to offer in positive ways. I also know he actively speaks to those who will listen to the danger of prescription drugs and the devastation it has had on his life.

While I didn't know the complete David Jacoby before June 2011, I do believe I know the real man now, and he is in a 180 degree different state of mind. I believe he still needs to be in counseling, which he acknowledges and welcomes. I believe he understands right from wrong and is remorseful and repentant for his wrongdoings. I also believe he is working through things in his life, past and present, as they come forth, to the best of his ability.

These are the things I can factually say about Dave and would pray that you make your decision based on accurate and complete evidence along with wise discernment.

Sincerely yours,

Robert N. Dietz

[REDACTED]
Bellaire, TX [REDACTED]
281 808 1201
bdietz@faithexecutivesearch.com

letter of character reference for David Jacoby

Lynn Evans [linus66@jayelevansco.com]

Sent: Wednesday, June 20, 2012 10:29 AM

To: Louis Leichter

The Honorable Sam Sparks
United States District Judge
for the Western District of Texas

Judge Sparks:

It is not possible to grow up in a small West Texas town without knowing everyoneand almost everything about everyone. In the 1960's

parental control, support, and love were pivotal in the upbringing of children. David Jacoby had a mother and father who provided these three

basics for their son. David was raised to work hard, to participate, and to be loyal to his family and his friends. His parents were "present" in his

growing up years and they were proud of David and the principals by which his life was being lived.

David's activities while growing up were many. He gave his "all" to everything from fifth grade square dancing to playing the cornet in the band.

He ran track, played basketball and football and was known for his team spirit and encouragement. If David didn't have much athletic skill in a

particular sport, he worked hard to better it. That kind of drive was also evident in his agricultural endeavors. He cared for and showed animal projects,

participated in judging teams, and in later years served as presidents of both 4-H and FFA. That was no easy task while carrying on with academic

activities. David knew from the beginning that he wanted to be a doctor and that was his goal. Graduating Valedictorian of his class, he didn't stop until

he made that dream come true.

David's parents worked hard to see that their son exhibited the characteristics they knew to be true for life. They saw him grow up in the church where

he was active in MYF and sang in the Chancel Choir. They watched him learn to be a contributing team member be it agriculturally or athletically.

David was not scared of hard work. All this is to say is that David was "brought up right". He has that knowledge, experience, and love to carry on.

The gifts that his parents gave him still provide a basic and positive influence in his life. The continuation of what David learned during his up-

bringing--truth, devotion, hard work, team spirit, trust in God--his parents' beliefs originally, now carry him forward. Their truths are his.

What he learned in a little West Texas town ring volumes in his ears. He hears!!

Sincerely,

Lynn C. Evans

Austin, Texas

June 18, 2012

The Honorable Judge Sam Sparks
United States District Court
Western District of Texas
Austin Division
200 West 8th Street
Austin, TX 78701

Dear Judge Sparks:

Good morning! I felt compelled to write you regarding the upcoming court sentencing of David Jacoby scheduled for Monday, June 25th.

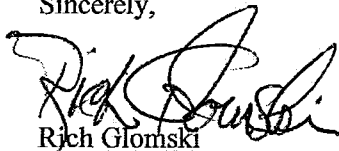
Until Mr. Jacoby, openly, communicated to me from a rehabilitation center, in July 2011, that he had a drug addiction, I was unaware of it. I have known Mr. Jacoby for almost 45 years, first meeting him in the Corps of Cadets at Texas A&M University and consider him a long-time friend.

From a personal perspective, over the years he always talked about his children and portrayed the love and devotion despite the challenge of being a single parent for almost 20 years. In addition, Mr. Jacoby also has shown an incredible dedication to helping people as an emergency physician and, tirelessly, has worked to that end.

After the death of his son, Mr. Jacoby gave his life to Christ, and that commitment has changed his life forever. Since then, from what I have seen, he has never ignored the shame, embarrassment and personal accountability regarding what has transpired over the past year.

I, therefore, ask you to please take my brief thoughts into consideration as my friend is sentenced. Thank you.

Sincerely,



Rich Glomski

Comfort, TX

To Whom It May Concern:

I have worked with Dr. David Jacoby in the Emergency Room of the Hospital at Westlake setting for three years. He consistently demonstrated excellence as a physician. There never once was any evidence of any type of impairment.

In the clinical setting, Dr Jacoby combines well-developed psychomotor skills with above average cognitive abilities to always deliver quality patient care. As an individual, he demonstrates intelligence, common sense, compassion and empathy. Patients and staff benefitted having Dr. Jacoby as a physician. He was an excellent Physician as well as resource to us all.

It has been my great pleasure to work with Dr. David Jacoby.

He is a capable and reliable professional who contributed much to our emergency room. I recommend him, without any reservations, for any clinical position.

Please feel free to contact me if I can be of any further assistance.



Susan McKenna, RN

[REDACTED]
Austin, TX [REDACTED]

suemckenna@me.com

512-963-2322

December, 2011

To Whom it may concern,

I first met Dr. Jacoby during his internship at Beaumont Hospital, Austin, Texas 1974-'75.

I since have worked with Dr. Jacoby for 3 years at Westlake Hospital, Emergency Dept. Without fail he performed stellar practice as an Emergency Department physician. Never was there evidence of any type of impairment.

His cognitive, psychomotor skills and ability showed an artistic, purposeful delivery of quality patient care. Exemplary physician. As a person he demonstrated compassion and empathy for his fellow mankind.

Staff and patients benefited having Dr. Jacoby there as a physician. He has been a resource to us all, always my pleasure to work with Dr. Jacoby.

He is reliable, capable and always professional. Dr. Jacoby contributed much to our Emergency Department.

I recommend Dr. Jacoby without any reservations for any clinical position, feel free to contact me.

Kathleen E. Goodwin R.N.

[Redacted Signature]

Austin, Texas

512-433-9825

E mail: ketglacior@yahoo.com

Louis Leichter

From: garyfoster@austin.rr.com
Sent: Thursday, January 12, 2012 2:58 AM
To: Louis Leichter
Subject: David Jacoby

Mr. Leichter,

I have been a Cardiologist at The Hospital at Westlake Medical Center from April 2009 through today. My interactions with Dr. Jacoby have always been professional and appropriate. My impression of Dr. Jacoby has been that he is a dedicated and very competent and thoughtful ER physician. His clinical acumen is very good. I have never suspected that he was under the influence of drugs or alcohol in our interactions at work.

Sincerely,

Gary L. Foster, MD

Louis Leichter

From: Robert markus Jr [rmarkusjr@sbcglobal.net]
Sent: Wednesday, January 11, 2012 7:19 PM
To: Louis Leichter
Subject: David Jacoby Letter

1/11/2012

To Whom it May Concern,

As a consulting General Surgeon I had the opportunity to work with Dr. David Jacoby on many occasions. I always found him to be thorough, professional, reliable, and a good physician who took good care of the patients for whom he asked for a surgical evaluation. Our working relationship was excellent and I considered him to be one of the better ER doctors that I have worked with.

Sincerely,

Robert M.Markus, Jr., M.D.

January 12, 2012

Louis Leichter

1602 East 7th St.

Austin, TX 78703

Dear Mr. Leichter:

My name is Paul Playfair and I am the Chief of Anesthesiology at The Hospital at Westlake Medical Center. David Jacoby has asked me to write to you in reference to his performance record while working in the Emergency Room at The Hospital at Westlake Medical Center.

During the five years for which we were colleagues, I had the highest regard for David as a person and as a physician. I had many opportunities to observe David first hand and see his dedication and skill that made him the foundation of our ER staff. He was thorough and followed up on details while displaying a consistent approach and personality to his relationships and his work.

It was a shock to here of the sudden death of his son and how difficult this situation was for David. I can say that despite all the circumstance and hindsight I still do not feel that David in anyway displayed any behavior, which makes me suspicious or question his sobriety at work. I do not feel he ever displayed any signs of impairment of lack of judgment and would be comfortable working with him today.

Respectfully,

A handwritten signature in black ink, appearing to read "P. Playfair M.D.", with a stylized flourish at the end.

Paul Playfair M.D.



January 19, 2012

Re: Michael Jacoby, M.D.

To Whom It May Concern:

I have known Michael Jacoby, M.D. for 25 years. I am an Orthopedic Surgeon practicing in Austin, TX. I have taken Orthopedic call at Brackenridge Hospital and all the other hospitals in the Austin area for my entire career. Dr. Jacoby has been right by my side in many critical decision making processes with severely injured patients. Over the years, I have trusted his judgment and decision making capabilities. I have never seen him make a mistake on any patient in 25 years. In the last 5 years, I have worked by his side at The Hospital at Westlake, on many occasions. He and I have both taken call at this facility. To my knowledge, he has never shown any signs of poor judgment, professionally in the emergency room at The Hospital at Westlake. He has paid dearly for his personal problems and the subsequent loss of his son. He has completed rehabilitation and changed his life. He has turned it around. His experience as an emergency room physician is very valuable to these young emergency room physicians of the future. I support his decision to give this knowledge and experience to his students. I am highly recommending that he be reinstated back to the field of medicine.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Moore' or 'Frosty Moore'. The signature is fluid and cursive.

Frosty Moore, M.D.

Letter of Reference for David Jacoby, M. D.

From:

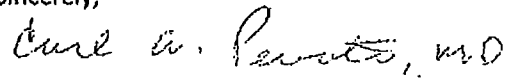
Carl A. Pevoto, M. D. FACEP

Austin, Texas

To Whom It May Concern:

It is a pleasure for me to write this letter for David Jacoby, M. D. I have worked closely with David in Emergency Rooms since Jan. 1986. We have worked in many stressful circumstances during this period of time. I have great respect for David and his medical skills, professionalism, rapid manner of making tough decisions accurately. I have never had any occasion to witness David under the influence of any mind altering drug or substance. He has always conducted himself with great propriety, David could treat me or my family without hesitation.

Sincerely,



Carl A. Pevoto, M. D.

To whom it may concern,

My name is Thomas Ryan Sullivan I am a veteran of the United States Navy where I worked as a Hospital Corpsman. I left the Navy to complete my Bachelors in Science and then go to Medical School. I have worked in the medical field for eight years and 10 months. I have known Dr. David Jacoby since I separated from the Navy in 2007, when I was hired at Westlake Medical Center as an EMT-Basic for the Emergency Room. Dr Jacoby is a very skilled physician with outstanding bedside manner and knowledge of medicine. He helped me not only with expanding my knowledge of medicine but with treating and helping patients on multiple fronts not just medically but how to be a better advocate for the patient. He also helped me expand my knowledge within labs, x-rays and CTs to name a few. He did this all not just with patience and kindness but with a true desire to help. Dr Jacoby never once showed any signs of drugs while working with me nor did I hear that accusation from others that worked or works with me and knows Dr Jacoby.

Dr Jacoby is an outstanding individual and physician he was nearly always in a good mood and if I or anyone else needed help he would offer his assistance in any way possible. The amount of kindness that he showed regularly would change the feeling in the room along with the dissolution of any frustration or tension, with either the patient or what ever the problem was. He always treated his co-workers and patients with utmost respect. Dr Jacoby's abilities never appeared to me to be inhibited by any way. While working with him my co-workers and I were always glad when Dr Jacoby was on with us. Because we knew that no matter what came through the door the patient was in good hands and we would be treated with respect no matter if it was a case of gastroenteritis or a STEMI (ST elevation Myocardial Infarction).

I have worked with a great number of doctors in my time in this field and he is one of the few that I am not only proud to know but proud to call my friend. In no way am I stating that he or anyone else I know is infallible but he is one of the few who has the courage to own up to his mistakes and do everything in his power to properly correct them in every aspect possible. He showed me how to take knowledge and turn it in to wisdom and for that I am eternally grateful.

If there are any questions, comments or concerns about this letter please feel free to contact me at any time my cell phone is 956.832.3853. If for any reason I do not answer please leave a message and I will call back as soon as I get the message. My email is thomas.r.sullivan@gmail.com and my address is [REDACTED]

[REDACTED] Austin TX [REDACTED]

Very Respectfully



Thomas Ryan Sullivan

December 15, 1977

Medical Staff Secretary
Ross General Hospital
1150 Sir Francis Drake Blvd.
Box 857
Ross, California

RE: David J. Jacoby, M.D.

To Whom It May Concern:

It has been my pleasure to work with Dr. Jacoby in the emergency department of Seenic General Hospital here in Modesto, California for several months. This department is a busy, high-volume center seeing every type of emergency case. I have been able to watch Dr. Jacoby's performance first hand and have found him to be essentially without fault in his handling of all types of emergency patients. He displays a broad fund of knowledge in all aspects of emergency medicine and has been extremely easy to work with from the point of view of all members of the staff here.

I am pleased to offer my highest recommendations of him to your staff.

Sincerely yours,

Mitchell E. Bailey, M.D.

MEB:nh

Lee Forestiere, M.D.

Colorado Springs, Colorado

To Whom It May Concern ,

I worked with David J. Jacoby, M.D. from August 1975 through September 1976 at the 545th General Dispensary, Camp Humphreys, Korea APO SF 96271. Although Dr. Jacoby had the responsibilities of delivering medical care to numerous isolated air defense batteries requiring much travel throughout western Korea, he routinely worked at the dispensary with me. This dispensary provided medical coverage for over 7500 soldiers and 1500 dependent wives and children. Dr. Jacoby provided emergency medical coverage in 24 hour shifts every 4th to 5th day. During his 13 month tenure he provided approximately 2000 hours of emergency room coverage.

Lee Forestiere M.D.
Lee Forestiere, M.D.



120 E. BEAUREGARD AVENUE
P.O. BOX 22000
SAN ANGELO, TEXAS 76902
915-658-1511

DERMATOLOGY
Ross Alexander, M.D.

FAMILY PRACTICE
Sam H. Galner, M.D.
Jerry H. Schulze, M.D.

INTERNAL MEDICINE
GENERAL INTERNAL MEDICINE
Robert L. Carsner, M.D.
Charles M. Jones, M.D.
Steven T. McCoy, M.D.

INTERNAL MEDICINE & ARTHRITIS
Dan Stultz, M.D.

INTERNAL MEDICINE &
PULMONARY DISEASES
Daniel C. Parsons, M.D.

CARDIOVASCULAR DISEASES
William C. Meher, Jr., M.D.
Gene A. Sherrod, M.D.

GASTROENTEROLOGY
Edward J. Aitnak, M.D.

HEMATOLOGY & ONCOLOGY
John D. Hunt, M.D.

OBSTETRICS & GYNECOLOGY
Stephen R. Cainelli, M.D.
Donald G. Columbus, M.D.
Scott M. Murray, M.D.

SURGERY
GENERAL SURGERY
Larry M. Bragg, M.D.
Gus F. Eckardt, M.D.

GENERAL & VASCULAR SURGERY
Robert H. Grant, M.D.

GENERAL & THORACIC SURGERY
Bennett A. Joiner, M.D.

OPHTHALMOLOGY
Daniel M. Wilson, M.D.

ORTHOPEDIC SURGERY
Charles G. Caldwell, M.D.
H. Glen Henderson, M.D.

OTOLARYNGOLOGY
HEAD AND NECK SURGERY
Leslie K. Williamson, M.D.

UROLOGY
R. Gail Flood, M.D.
Dwayne L. Sargent, M.D.
Robert B. Stell, M.D.

RADIOLOGY
San Angelo Radiologists
Samuel P. Chunn, M.D.

LABORATORY DIRECTOR
Nateigh F. Trotter, M.D.

ADMINISTRATOR
James T. Fajkus

ASSISTANT ADMINISTRATOR
Robert H. Kavitsic

December 17, 1985

TO WHOM IT MAY CONCERN

Re: Dr. David Jacoby

Dr. Jacoby has been on the staff of the Shannon Hospital Emergency Room for the past five-plus years. I have worked closely with him during this period of time and have always found him to be easy to work with and have observed that his medical judgment is without reproach. His is able to communicate well with patients and their families and his dealings with them are those of a caring and compassionate nature.

It is my pleasure to recommend Dr. Jacoby for a position on any hospital staff.

Sincerely,

Dan Stultz, M.D.

DS:nb



120 E. DEAREGARD AVENUE
P.O. BOX 22000
SAN ANGELO, TEXAS 76902
916-658-1511

DERMATOLOGY
Ross Alexander, M.D.

FAMILY PRACTICE
Sam H. Garner, M.D.
Jerry H. Schulze, M.D.

INTERNAL MEDICINE
GENERAL INTERNAL MEDICINE
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Charles M. Jones, M.D.
Steven T. McCloy, M.D.

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Dan Stultz, M.D.

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Robert B. Stell, M.D.

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LABORATORY DIRECTOR
Raleigh F. Trotter, M.D.

ADMINISTRATOR
James T. Fajkus

ASSISTANT ADMINISTRATOR
Robert H. Kavalec

December 17, 1985

TO WHOM IT MAY CONCERN

Re: David Jacoby, M.D.

It is my pleasure to submit this letter of reference for Doctor David Jacoby.

I have known Dr. Jacoby for the past five and one-half years and worked closely with him in his capacity as Emergency Room physician at Shannon West Texas Memorial Hospital. He has exhibited sound medical judgment and outstanding intellectual capabilities in dealing with emergency situations, as well as establishing good rapport with the staff physicians. His dealings with his patients are those of a caring individual who is able to empathize with them and their families.

I have no reservations in recommending Dr. Jacoby as an Emergency Room physician.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert N. Grant".

Robert N. Grant, M.D.

RNG:nb



120 E. DEAREGARD AVENUE
P.O. BOX 22000
SAN ANGELO, TEXAS 76902
916-658-1611

DERMATOLOGY
Ross Alexander, M.D.

December 16, 1986

FAMILY PRACTICE
Sam H. Gainer, M.D.
Jerry H. Schultz, M.D.

INTERNAL MEDICINE
GENERAL INTERNAL MEDICINE
Robert L. Carano, M.D.
Charles M. Jones, M.D.
Steven T. McCloy, M.D.

TO WHOM IT MAY CONCERN

Re: David Jacoby, M.D.

INTERNAL MEDICINE & ARTHRITIS
Dan Stultz, M.D.

INTERNAL MEDICINE &
PULMONARY DISEASES
Daniel C. Parsons, M.D.

I have worked as a cardiologist on the fulltime staff of Shannon West Texas Memorial Hospital for five and one-half years that Dr. David Jacoby has worked as a fulltime member of our Emergency Room group.

CARDIOVASCULAR DISEASES
William C. Miehner, Jr., M.D.
Gene A. Sherrod, M.D.

GASTROENTEROLOGY
Edward J. Arlnak, M.D.

HEMATOLOGY & ONCOLOGY
John D. Hunt, M.D.

OBSTETRICS & GYNECOLOGY
Stephen R. Calnali, M.D.
Donald G. Columbus, M.D.
Scott M. Murray, M.D.

The Shannon Emergency Room is the principle emergency facility in the entire area of West Texas bordered on its periphery by Midland-Odessa, Abilene, and San Antonio, and extending to the west half the distance to El Paso. The Emergency Room receives a large number of traumatic and medical emergencies, as well as a large number of urgent and walk-in medical care patients.

SURGERY
GENERAL SURGERY
Larry M. Dragg, M.D.
Gus F. Eckardt, M.D.

GENERAL & VASCULAR SURGERY
Robert N. Grant, M.D.

GENERAL & THORACIC SURGERY
Dennett A. Joiner, M.D.

OPHTHALMOLOGY
Daniel H. Wilson, M.D.

ORTHOPEDIC SURGERY
Charles O. Caldwell, M.D.
H. Glen Henderson, M.D.

I have worked with Dr. Jacoby a great deal throughout the past five and on-half years, and have always found him to be very professionally competent as well as compassionate and caring. He is able to withstand the pressure of critical emergencies and large volumes of patients. His rapport and relationship with the one hundred and twenty or so physicians on our staff, most of them board certified specialists, is always excellent.

OTOLARYNGOLOGY
HEAD AND NECK SURGERY
Leslie K. Williamson, M.D.

I would recommend him for any Emergency Room position for which he might apply.

UROLOGY
R. Gall Flood, M.D.
Dwayne L. Sargent, M.D.
Robert B. Stalf, M.D.

Very truly yours,

RADIOLOGY
San Angelo Radiologists
Samuel P. Chunn, M.D.

WILLIAM C. MIEHER, JR., M.D.

LABORATORY DIRECTOR
Raleigh F. Trotter, M.D.

Certified, American Board of Internal Medicine

Certified, Sub-specialty Board in Cardiovascular Diseases

ADMINISTRATOR
James T. Fajkus

WCM:nb

ASSISTANT ADMINISTRATOR
Robert H. Kaviso



NOVATO COMMUNITY HOSPITAL

1625 HILL ROAD • NOVATO, CA 94947 • (415) 897-3111

Charlotte Conroy, R.N.
Emergency Department Supervisor
Novato Community Hospital

May 21, 1980

Dr. Milton Williams
Shannon Hospital
9 South Magdalen
Box 1879
San Angelo, Texas 76902

Dear Dr. Williams,

It is my pleasure to send you a letter of recommendation for Dr. David Jacoby.

During the two years that David has been in our department, we have instituted a Fire Paramedic Program, set up a Base Station and trained Mobil Intensive Care Nurses. David has been eager to participate in training and continuing education programs for both paramedics and M.T.C.N's.

I have enjoyed working with David and seeing his genuine concern for his patients. We are sorry to see him leave.

Sincerely,

Charlotte Conroy, R.N.



March 27, 1984

Dr. David Jacoby
Shannon West Texas Memorial Hospital
120 E. Harris
San Angelo, Texas 76903

Dear Dr. Dr. Jacoby:

As Medical Director for the Concho Valley Council of Governments EMS System, I want to take this special opportunity to thank you for the giving of your time to this worthy project.

I know that your schedule is quite busy, and the time you have taken lecturing our EMT students is very much appreciated. An EMS class taught by a practicing medical professional always has significant impact and takes on special meaning for our students.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve".

A handwritten note in cursive script that reads "Thanks for the help.".

Steve Boster, M.D.
Medical Director

[REDACTED]
Houston, Texas [REDACTED]

February 1, 1989


David Jacoby, M.D.
Emergency Medical Department
Brackenridge Hospital
601 East 15th Street
Austin, Texas 78701

Dear Dr. Jacoby:

I wanted to express my thanks for your clinical instruction during my rotation with you during the month of December. It is rare to find physicians such as yourself that are willing to take the time and effort to instruct medical students on the pertinent and practical aspects of quality patient care.

Your guidance and dedication to your work will be long remembered. I wish you continued success for the future.

Sincerely yours,



Donald E. Patterson, MSIV
University of Texas Medical
School at Houston

/dep

Dear Westlake Medical Center,

Thank you so so much for your kindness and warm welcome. I especially want to write down the people I came in indirect contact with. First is Thomas, he was nice and warm from the get-go. Then, there was Kathleen who was whole-heartedly sweet. She seemed like she couldn't heartedly. She was patient with me, while asking me questions. I then met Diana. She took my blood pressure and temperature. Sweet as can be. Then, one of my favorites, Jeff, he is quite the jokester, which made it so you took your mind off the pain. I was well I would say "a little" needy and he still came with a smile on his face. In all of my ER history, he is by far the best

Tech
~~RA~~ I have ever come in contact with. Sylvia
 who took me to get all of my X-ray work done.
 She was patient and sweet. She's great at her
 profession. Last, but definitely not least,
 it Doctor Jacoby. He is and always ^{will} be the
 number 1 doctor in my books. He made sure
 I was taken care of in every ~~way~~ which way
 possible.

So, I wanted to give a BIG thank you
 to this marvelous ER staff. Thank you
 again and I'm sure everyone that comes
 in here feels the exact same way I do.

Thanks,
 Fraser
 Felynne Frase

1/11/12
 1/11/12
 1/11/12

Dear Dr. Jacobs,

12-21-93

Thank you very much for
the care you provided our daughter,
Arielle Schalen, when we brought her in
in November. Your prompt diagnosis &
treatment of bacterial meningitis resulted
in a very successful outcome. Arielle is
fine now - healthy, happy, & has no
neurological problems. We are grateful you
were there & we wish you all the best in
the new year.

Sincerely,

Meredith & Steve Schalen

2-26-96

Dear Dr. Jacoby,

Last Friday you treated my mother Chrissi Colovas for a V T F and other blood deficiencies in Glucose, Potassium, etc. Between you and Dr. Rutledge a miracle is in the making. Mom is smiling, walking, talking and eating. She is naturally VERY weak. We have high hopes that at age 95 she will continue to ~~improve~~.

Many Thanks

Bill Colovas

April 22, 1988

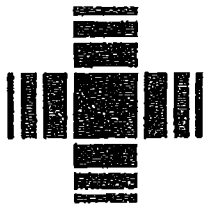
To Nurses and Doctor in the Emergency Room,
-NIGHT SHIFT-

I just wanted to write you and thank you for what you'll did last night. I can't remember your names but I can still see your faces caring for someone you didn't even know. I have been in prison a long time and caring people here are few and far between. I won't forget and I just wanted to that all of you. I feel better tonight just a little son. I was really scared I thought I might die and I've fought so hard to do these last 10 years in prison so I can go home to my family. Next year I can start all over.

Thank You Again

S. L. Engle-

[REDACTED]
Bastrop Texas [REDACTED]



Brackenridge Hospital

City of Austin

601 East Fifteenth Street Austin, Texas 78701-1996 (512) 476-6461

January 12, 1989

Ms. Colleen L. Horton
3003 Westlake Drive
Austin, Texas 78746

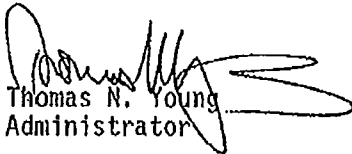
Dear Ms. Horton:

I sincerely appreciate the comments that you have made regarding your son's recent experience as a patient in the Emergency Department of Brackenridge Hospital. We at the hospital were delighted to be able to be of service to your son. The nursing staff recognize that quality care must start with scientific excellence but has to extend to service and compassion. I appreciate the recognition that you have given to the staff in this regard.

I will pass on your comments to the personnel in the Emergency Department as well as Dr. Jacoby by sending them copies of my letter to you as well as your letter addressed to me.

Thank you again for taking the time to recognize those who were involved in your care.

Sincerely,


Thomas N. Young
Administrator

TNY:swk

xc: Steve Strength, ER Tech
David Jacoby, M.D. ✓
Mark Wilson, Director, Emergency Department
Liz Johnson, Assistant Administrator, Nursing Service
Carolyn Hinckley Boyle, Community Relations

January 9, 1989

Mr. Thomas Young
Administrator
Brackenridge Hospital
601 E. 15th Street
Austin, Texas 78701

Dear Mr. Young:

On Friday, January 6th, my 2½ year old son ate a piece of peppermint candy that became lodged in his throat. My husband and I rushed him to Brackenridge Emergency Room. Although my son did not stop breathing, he was gagging and in obvious pain. Needless to say, this is the type of accident that every parent fears and hopes to never have to face.

When we arrived at the emergency room, a nurse in the waiting area saw me get out of the car with my son. She met me at the entrance and immediately took my child and led us to the childrens' emergency room. Her kind and immediate response was greatly appreciated. I am sorry that I did not get her name. In the emergency room, an emergency/trauma technician named Steve, and Dr. Jacoby examined and cared for our son. Their thorough and compassionate care quickly relieved much of our fear.

While in the emergency room, my son began vomiting and spontaneously dislodged the candy. We are very fortunate that no further damage occurred. I wanted to let you know however, how impressed we were with the treatment we received. All those we came in contact with were very professional, extremely kind and genuinely concerned.

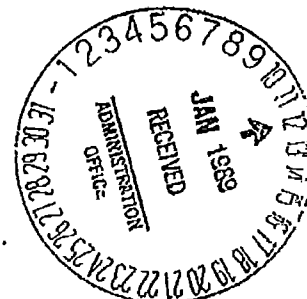
If ever we are in need of hospital facilities in the future, we will not hesitate to use Brackenridge. Please express our thanks to all those involved.

Sincerely,

Colleen Horton

Colleen L. Horton

████████████████████
Austin, Texas ██████████





FAYETTE MEMORIAL HOSPITAL

543 North Jackson * La Grange, Texas 78945

409 / 968 - 3166 * FAX 409 / 968 - 9594

Acute Care Services

Anesthesiology Services

24-hr Emergency Care

Home Health Services

Laboratory Services

Obstetrics

Occupational Therapy

Outpatient Services

Pharmacy

Radiology Services

Pain Management

Physical Therapy

Respiratory Therapy

Skilled Nursing Care

Social Services

Speech Therapy

Surgical Services

Fayette Memorial
Medical Clinics

La Grange
Family Health Center

Giddings Medical Center

Pediatric Center

Fayette County
Public Health Clinic

Lee County
Public Health Clinic

Specialty Health Center

April 5, 1996

David Jacoby, M.D.
Capitol Emergency Associates
9503 Ashton Ridge
Austin, TX 78750

Dear Dr. Blewitt:

On behalf of the Board of Directors at Fayette Memorial Hospital, we want to thank you for the service which you are providing in our Emergency Department. The quality of physicians has been excellent.

We do appreciate your commitment to making a difference in La Grange. We have heard nothing but compliments on the services. Our medical staff has commented in our meetings about the good quality of service you are providing.

Again, we thank you for your support and the commitment you have to our community.

Respectfully,

MICHAEL E. KLESEL
Chairman, Board of Trustees

MARVIN E. COLE
President/CEO

MEK.MEC.mms

DAD..

*my attitude to life is a knock to life is a knock off of the one i ordered
low prices on lives of fathers with their kids on their shoulders
but with my motive disorder my living egos been lowered
my delequent life's so invested it cant be cut with a sword
decisions on messages sent with pigeans to doors
conversating fore-fathers im no longer adored
im using chemicals to block out all the shit that im facin'
im the kid in the back of the class with no realistic motivation
im the bad generation thats stuck defending our nation
to fight the final war with satan thats foretold in revelation
im pulled down head first but a hand grasps me back up
he mentally slaps me in the face and tells me to wake the fuck up
love focused so strong it brings tears to my eyes
theres still someone who hasnt given up on me to my surprise
a man with hands that lay on me and heal my heart
from all the pain that ive suffered hes always offered support*

*ive been brought back to sanity only with his strength in mine
he's already a part of my entire being out and inside
we're connected our hearts i feel his pain he feels mine
whenever i need him hes the least hard to find
he's my healer, my savior, my soul and my kind
ive been blessed by a something to have this father of mine*

HAPPY FATHERS DAY

YOUR SON-

BRANDON

FATHER OF MINE

THERE ONCE WAS A BABY WHO GREW TO A BOY. THIS BOY GREW TO A JUVENILE DELEQUENT. THIS JUVENILE DELEQUENT GREW TO A MAN. GOD GAVE HIM A GIFT. THIS GIFT WAS HIS FATHER. HIS FATHER HELPED HIM GROW FROM BABY TO MAN. THIS FATHER IS THIS MAN'S BEST FRIEND FOR LIFE. OBSTICLES WERE OVERCOME WITH THE HELP OF HIS FATHER. HIS HEART WAS FILLED WITH HIS FATHER'S LOVE. THIS LOVE IS THIS MAN'S REASON TO LIVE; TO MAKE HIM PROUD; TO MAKE THE WORLD PROUD. FUELED WITH THE LOVE OF HIS FATHER THIS MAN WILL MAKE THE WORLD PROUD. THUS...THE ART, MUSIC, FILM, POETRY, AND EVERY ACHIEVEMENT MADE BY THIS MAN TO THE WORLD. SO MAY THE WORLD BOW TO THE FATHER WHO GAVE THIS MAN LIFE. THE ONE OF A KIND FATHER THAT'S HEART IS A TOOL OF GOD. THE FATHER THAT NO OTHER CAN COME CLOSE TO EVEN IF DEDICATING THEIR LIFE ACHIEVING. WHO THE FUCK IS THIS FATHER YOU MAY ASK?

HIS SON WILL DEDICATE HIS ACHIEVEMENTS TO HIM BY NAME ONE DAY TO THE WORLD. THEN YOU WILL KNOW HIS NAME.....

Your son-
Brandon Jacoby

David James
December 27, 2011 12:27pm

The Arbor
Global

Discharge Summary

Demographics

| | |
|----------------------------|----------------------------------|
| Client Name: David James | Date: 11/04/2011 |
| Provider: Todd Dugas, LCSW | Date of Original MTP: 07/26/2011 |
| MR#: 000048 | Admit Date: 07/15/2011 |
| Date of Birth: | Date of Discharge: 11/01/2011 |
| Age: | Length of Stay: 110 days |

Reason for Admission

Suspension of professional license

Discharge Diagnosis

| | |
|-----------|---|
| Axis I: | 304.00 Opioid Dependence 296.89 Bipolar II Disorder |
| Axis II: | V71.09 No Diagnosis on Axis II |
| Axis III: | Deferred |
| Axis IV: | Problems with Primary Support Group Occupational Problems Economic Problems |
| Axis V: | Current GAF: 50 Highest Past Year GAF: |

Explanation of Changes to Diagnosis

Master Problem List

| Date | # | Problem | EST Completed | Date Resolved |
|------------|---|---------------------|---------------|---------------|
| 07/27/2011 | 1 | Opioid Dependence | 10/17/2011 | |
| 08/24/2011 | 2 | Bipolar II Disorder | | |

Summary of Progress

| Problem # | Descriptor | Long Term/Discharge/Graduation Goals |
|---|---------------------|---|
| 1 | Opioid Dependence | David will demonstrate a clear understanding of the dynamics of substance dependence as they relate personally to David and will be able to routinely identify situations and other factors that could pose a risk to David's sobriety.; David will have in place, and will be able to successfully utilize interpersonal, relational, social, vocational, recreational, spiritual physical, and emotional support systems to maintain sobriety.; David will possess sufficient coping strategies to successfully manage substance dependency challenges. |
| David has an understanding of his substance dependence from both the medical aspects of addiction and the 12-steps perspective of addiction. David has an understanding of the dynamics of his substance dependence and the impact it has had on his ability to have successful interpersonal, occupational, emotional, spiritual, physical, and social interactions. David has an understanding of his thinking errors that promoted his attempts to find relief in drugs. David is actively engaged in his step work and has worked up through step twelve. David is to continue the daily disciplines of steps 10, 11 and 12 and has demonstrated the ability to do so before completing the Arbor's IRT program. David has a stronger sense of self and more core strength, David has the ability to communicate his core values and live a life based on those values. Additionally, when David operates outside of his personal values he has the tools to take corrective action and regain his spiritual grounding. | | |
| Problem # | Descriptor | Long Term/Discharge/Graduation Goals |
| 2 | Bipolar II Disorder | |
| David is taking medication as prescribed. David is continuing to meeting with Dr. Earthman, psychiatrist and addictionologist, for sessions and to review his need for medication. David has learned how to question his own behavior and identify cues to his Bipolar Disorder symptomology. | | |

Strengths and Weaknesses

| | |
|------------|---|
| Strengths | "honesty, loyalty, open minded, loving, God fearing, healing, and not too bad looking" |
| Weaknesses | "arrogance, self centered to often, self deprecating, self hating, angry with self, specifically arrogant in thinking I have the right" |

Medication

| | |
|--------------------------|------------------------------------|
| Psychotropic Medications | Lomital 25mg, Nicoderm patch 14 mg |
| Other Medications | Maripax, 0.5g |
| Explanation of Changes | |

Discharge Planning

| | |
|---|--|
| Anticipated Discharge Date | 10/17/2011 |
| Living Arrangements | currently lives with life partner, Marilyn and his daughter Halle |
| Education | no additional educational goals. |
| Therapy (Specify individual, family or group treatment) | weekly aftercare session for one year, additional recommendations will be determined in client's second month of treatment |
| Discharge Transition Obstacles | unresolved problems with ex-wife |

Condition on Discharge

David successfully completed all the objectives on his treatment plan. David was optimistic and eager to start the next phase of his recovery process at the sober house in Houston and engage in the monitoring program and 12-step programs in Houston.

Reason for Discharge

David completed all requirements for successful completion of the Arbor's Intensive Residential Treatment (IRT) program.

Family/Guardian Participation in Treatment

David's girlfriend, Marilyn participated in David's 3-day Family Program and weekly progress update phone calls. Terry, David's ex-wife and daughter, Haley, attend a family session to discuss David's recovery needs both while at the Arbor and while at the sober house.

Critical Events & Interaction

David did have significant family, grief and loss, financial and professional situations to address before completing the Arbor's IRT program. David was able to process all critical events throughout his treatment stay, as they arose. David does understand that he will need to continue to address these areas of his life in the future also. David has the necessary support and capacity to address his recovery and life stressors as they arise.

Prognosis

guarded, yet improved provided David maintains his recovery commitments as outlined on his Personal Recovery Action Plan.

Recommendations

David was recommended for and accepted a placement at a sober house in Houston Texas. David is to continue with 12 step meetings, 30 meetings in the first 30 days following completion of the IRT program. David is enrolled in Dr. Degner's professional monitoring program.

Treatment Team Signatures

Todd Dugas, LCSW Digitally signed: 12/27/2011

1 THE COURT: Okay. Mr. Jacoby, the particular charge to
2 which you're pleading guilty is punishable by a term of
3 imprisonment of up to 15 years in prison because there is the
4 distinct possibility that the sentencing judge will find that
5 there was a death or serious bodily injury resulting from the use
6 of substances that are described within the information that
7 would subject you to a term of supervised release of at least two
8 years and up to life, and a fine of \$500,000.

9 If the sentencing court were to find that the offense
10 in this case did not involve death or serious bodily injury,
11 instead, you would be subjected to a term of imprisonment of up
12 to 10 years with the same term of supervised release and fine
13 that I described a moment ago.

14 Do you understand the penalty ranges that you're
15 facing?

16 THE DEFENDANT: Yes, sir. Yes, your Honor.

17 THE COURT: Okay. And, Mr. Morris, and, Mr. Sparks,
18 are y'all agreed on reserving to the sentencing court the
19 determination as to whether or not this is essentially a 15-year
20 count or a 10-year count?

21 MR. MORRIS: Yes, your Honor.

22 MR. SPARKS: Government is, your Honor.

23 THE COURT: All right. In addition to that, sir, you
24 can be assessed a \$100 -- or you will be assessed a \$100 special
25 assessment for each count of conviction in this case. There's